

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TEXAS  
EASTERN DIVISION

In Re: ) Case No.: 13-41410  
)  
)  
Larry Dickinson ) Chapter 13  
Angela Dickinson )  
)  
)  
)  
Debtor(s) )

You should read this Plan Carefully and discuss it with your attorney. Confirmation of this Plan by the Bankruptcy Court may modify your rights by providing for payment of less than the file amount of your claim, by setting the value of the collateral securing your claim, and/or by setting the interest rate on your claim.

**CHAPTER 13 PLAN**

Debtor or Debtors (hereinafter called "Debtor") proposes this Chapter 13 Plan:

1. **Submission of Income.** Debtors submits to the supervision and control of the Chapter 13 Trustee ("Trustee") all or such portion of future earnings or other future income of Debtor as is necessary for the execution of this Plan.

2. **Plan Payments and Length of Plan.** Debtor will pay the sum of \$ 765.00 per month to Trustee by [ ] Payroll Deduction(s) or by [X] Direct Payment(s) for the period of 60 months, unless all allowed claims in every class, other than long-term claims, are paid in full in a shorter period of time. The term of this Plan shall not exceed sixty (60) months. See 11 U.S.C. §§1325(b)(1)(B) and 1325(b)(4). Each pre-confirmation plan payment shall be reduced by any pre-confirmation adequate protection payment(s) made pursuant to Plan Paragraph 6(A)(i) and §1326(a)(1)(C). Debtors will also pay to the Trustee all Federal and State tax refunds received during the course of their Chapter 13 Plan.

The following alternative provision will apply if selected:

☐ If CHECKED, Plan payments will increase by \$ \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_ upon completion or termination of \_\_\_\_\_.

3. **Payments of Claims.** The amounts listed for claims in this Plan are based upon Debtor's best estimate and belief. Allowed claims shall be paid to the holders thereof in accordance with the terms thereof. From the monthly payments described above, the Chapter 13 Trustee shall pay the following allowed claims in the manner and amounts specified. Claims filed by a creditor designated as secured or priority but which are found by the Court to be otherwise shall be treated as set forth in the Trustee's Recommendation Concerning Claims.

4. **Administrative Claims.** Trustee will pay in full allowed administrative claims and expenses pursuant to §507(a)(2) as set forth below, unless the holder of such claim or expense has agreed to a different treatment of its claim.

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(A). **Trustee's Fees.** Trustee shall receive a fee for each disbursement, the percentage of which is fixed by the United States Trustee.

(B). **Debtor's Attorney's Fees.** The total attorney fee as of the date of filing of the petition is \$ 3,000.00. The amount of \$ 1500.00 was paid prior to the filing of the case. The balance of \$ 1,500.00 will be paid X from first funds upon confirmation, or in the alternative      from the remaining balance of funds available after specified monthly payments. The total attorney fees are subject to reduction by notice provided in the Trustee's Recommendation Concerning Claims to an amount consistent with LBR 2016(h) absent a certification from debtors attorney regarding legal services provided pertaining to automatic stay litigation occurring in the case.

## 5. Priority Claims.

### (A). Domestic Support Obligations.

☒ None. If none, skip to Plan paragraph 5(B).

- (i). Debtor is required to pay all post-petition domestic support obligations directly to the holder of the claim.
- (ii). The name(s) and address(es) of the holder of any domestic support obligation are as follows. *See* 11 U.S.C. §§ 101(14A) and 1302(b)(6).

-NONE

### (iii). Anticipated Domestic Support Obligation Arrearage Claims

(a). Unless otherwise specified in this Plan, priority claims under 11 U.S.C. §507(a)(1) will be paid in full pursuant to U.S.C. §1322(a)(2). These claims will be paid at the same time as claims secured by personal property, arrearage claims secured by real property, and arrearage claims for assumed leases or executor contracts.

☒ None; or

(a) Creditor (Name and Address)	(b) Estimated arrearage claim	(c) Projected monthly arrearage payment
-NONE-		

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(b). Pursuant to §§ 507(a)(1)(B) and 1322(a)(4), the following domestic support obligation claims are assigned to, owed to, or recoverable by a governmental unit.

☒ None; or

Claimant and proposed treatment: -NONE-

(B). **Other Priority Claims (e.g., tax claims).** These priority claims will be paid in full, but will not be funded until after all secured claims, lease arrearage claims, and domestic support claims are paid in full.

(a) Creditor	(b) Estimated Claim
Internal Revenue Services	\$1,500.00
Toll Taxes	\$500.00

## 6. Secured Claims.

### (A). Claims Secured by Personal Property Which Debtor Intends to Retain.

(i). **Pre-confirmation adequate protection payments.** Unless the Court orders otherwise, no later than 30 days after the date of the filing of the plan or the order for relief, whichever is earlier, the Debtor shall make the following adequate protection payments to creditors pursuant to § 1326(a)(1)(C). If the Debtor elects to make such adequate protection payments on allowed claims to the Trustee pending confirmation of the plan, the creditor shall have an administrative lien on such payments(s), subject to objection. If Debtor elects to make such adequate protection payments directly to the creditor, Debtor shall provide evidence of such payment to the Trustee, including the amount and date of the payment, as confirmation is prohibited without said proof.

Debtor shall make the following adequate protection payments:

☐ directly to the creditor; or

☒ to the Trustee pending confirmation of the plan.

(a) Creditor	(b) Collateral	(c) Adequate protection payment amount
Carmax Auto Finance	2010 Dodge Charger Mileage: 36,740	\$93.00
Esb/Harley Davidson Cr	2011 HD Classic Motorcycle Classic Mileage: 3.250	\$166.00

(ii). **Post confirmation payments.** Post-confirmation payments to creditors holding claims secured by personal property shall be paid as set forth in subparagraphs (a) and (b). If Debtor elects to propose a different method of payments, such provision is set forth in subparagraph (c).

(a). **Claims to Which § 506 Valuation is NOT Applicable.** Claims listed in this subsection consist of debts secured by a purchased money security interest in a vehicle for which the debt was incurred within 910 days of filing the bankruptcy petition, or, if the collateral for the debt is any other thing of value, the debt was incurred within 1 year of filing. See § 1325(a)(5). After confirmation of the plan, the Trustee will pay to the holder of each allowed secured claim the monthly payment in column (f) based upon the amount of the claim in column (d) with interest at the rate stated in column (e). Upon confirmation of the plan, the interest rate shown below or as modified will be binding unless a timely written objection to confirmation is filed and sustained by the Court. Payments distributed by the Trustee are subject to the availability of funds.

☐ None; or

(a) Creditor	(b) Collateral	(c) Purchase date	(d) Estimated Claim	(e) Interest Rate	(f) Monthly Payment
<b>Carmax Auto Finance</b>	<b>2010 Dodge Charger Mileage:36,740</b>	<b>Opened 11/25/11 Last Active: 4/27/13</b>	<b>\$9,343.00</b>	<b>5.25%</b>	<b>\$216.22</b>
<b>Esb/Harley Davidson Cr</b>	<b>2011 HD Classis Motorcycle Classic Mileage: 3,250</b>	<b>Opened: 5/28/11 Last Active: 4/23/11</b>	<b>\$17,524.00</b>	<b>5.25%</b>	<b>\$316.55</b>

(b). **Claims to Which § 506 Valuation is Applicable.** Claims listed in this subsection consist of any claims secured by personal property not described in Plan paragraph 6(A)(ii)(a). After confirmation of the plan, the Trustee will pay to the holder of each allowed secured claim the monthly payment in column (f) based upon the replacement value as stated in column (d) or the amount of the claim, whichever is less, with interest at the rate stated in column (e). The portion of any allowed claim that exceeds the value indicated below will be treated as an unsecured claim. Upon confirmation of the plan, the calculation and interest rate shown below or as modified will be binding unless a timely written objection to confirmation is filed and sustained by the Court. Payments distributed by the Trustee are subject to availability of funds.

☒ None; or

(a) Creditor	(b) Collateral	(c) Purchase Date	(d) Replacement Value	(e) Interest rate	(f) Monthly payment
<b>-NONE-</b>					

(B). **Claims Secured by Real Property Which Debtor Intends to Retain.** Debtor will make all post-petition mortgage payments directly to each mortgage creditor as those payments ordinarily come due. These regular monthly payments, which may be adjusted up or down as provided for under the loan documents, are due beginning the first due date after the case is filed and continuing each month thereafter, unless this Plan provides otherwise. Trustee may pay each allowed arrearage claim at the

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monthly rate indicated below until paid in full. Trustee will pay interest on the mortgage arrearage if the creditor requests interest, unless an objection to the claim is filed and an order is entered disallowing the requested interest.

(a) Creditor	(b) Property description	(c) Estimated pre-petition arrearage	(d) Projected monthly arrearage payment
-NONE-			

**C. Surrender of Collateral.** Debtor will surrender the following collateral no later than thirty (30) days from the filing of the petition unless specified otherwise in the Plan. Any involuntary repossession/foreclosure prior to confirmation of this Plan must be obtained by a filed motion and Court order, unless the automatic stay no longer applies under § 362(c). Upon Plan confirmation, the automatic stay will be deemed lifted for the collateral identified below for surrender and the creditor need not file a Motion to Lift the Stay in order to repossess, foreclose upon or sell the collateral. Nothing herein is intended to lift any applicable co-Debtor stay, or to abrogate Debtor's state law contract rights.

(a) Creditor	(b) Collateral to be surrendered
Santander Consumer USA	2009 Suzuki Equator Pickup Mileage: 60,864

**D. Void Lien:** The secured creditors listed below hold a non-purchased money, non-possessory security interest on Debtor(s) exempt property. Their lien will be voided pursuant to 11 U.S.C. § 522(f) and their claim treated as unsecured and paid pursuant to paragraph 7 below:

Name of Creditor	Collateral Description	Estimated Claim
-NONE-		

**7. Unsecured Claims:** Debtor estimates that the total general unsecured debt not separately classified in Plan paragraph 12 is **\$ 13,124.00**. After all other classes have been paid, Trustee will pay to the creditors with allowed general unsecured claims a pro rate share of **\$ 336.18**. Trustee is authorized to increase this dollar amount if necessary, in order to comply with the applicable commitment period stated in paragraph 2 of this Plan.

**8. Executory Contracts and Unexpired Leases.** All executory contracts and unexpired leases are assumed, unless rejected herein. Payments due after the filing of the case will be paid directly by Debtor (c) or through the plan by the Trustee (d), as set forth below.

Debtor proposes to cure any default by paying arrearage on the assumed leases or unexpired contracts in the amounts projected in column (d) at the same time that payments are made to secured creditors. All other executory contracts and unexpired leases of personal property are rejected upon conclusion of the confirmation hearing.

None; or

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(a) Creditor	(b) Nature of lease or executor contract	(c) Payment to be paid directly by Debtor	(d) Payment to be paid through plan by Trustee	(e) Projected arrearage monthly payment through plan (for informational purposes)
-NONE-				

9. **Property of Estate.** Upon confirmation of this plan, title of the property of the estate shall vest in DEBTOR(S), unless the Court orders otherwise.

10. **Post-petition claims.** The DEBTOR(S) will not incur any post-petition consumer debt except upon written approval of the Court or the Standing Chapter 13 Trustee. Post-petition claims will be allowed only as specified in U.S.C. § 1305.

11. **General Provisions.** Post-Petition earnings during the pendency of this case shall remain property of the estate notwithstanding section 1327. Any remaining funds held by the Trustee after dismissal or conversion of a confirmed plan may be distributed to creditors pursuant to these provisions. Notwithstanding section 1329(a), the Trustee may bring a motion anytime within the applicable commitment period of the Plan to modify debtor's Plan to meet the criteria of section 1325(b). Any funds sent to the debtor(s) in care of the Trustee, during the pendency of this case may be deposited to the debtor's account and disbursed to creditors holding allowed claims pursuant to this Plan, the Confirmation Order, and /or as set forth in the Trustee's Recommendation Concerning Claims.

12. **Other Provisions:**

(A). **Special classes of unsecured claims.**

(B). **Other direct payments to creditors.**

**Citi Mortgage: Debtor will pay claim directly at \$1,450.36 per month.**

Special Note: This plan is intended as an exact copy of the recommended form prepared by the Standing Chapter 13 Trustees for this District, except as to any added paragraphs after paragraph 11 above. The Chapter 13 trustee shall be held harmless for any changes in this pan from the recommended form dated January 18, 2006.

Date: 7/8/2013

/s/ Larry Dickinson  
Larry Dickinson  
Debtor

Date: 7/8/2013

/s/ Angela Dickinson  
Angela Dickinson  
Joint Debtor

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/s/ Seth Crosland

**Seth Crosland**

Debtor's Attorney

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Seth.crosland@hweclaw.com

**United States Bankruptcy Court  
Eastern District of Texas**

In re **Larry Dickinson  
Angela Dickinson**

Debtor(s)

Case No. **13-41410**  
Chapter **13**

**CERTIFICATE OF SERVICE**

I hereby certify that on **July 10, 2013**, a copy of **Chapter 13 Plan** was served electronically or by regular United States mail to all interested parties, the Trustee and all creditors listed below.

**Carmax Auto Finance**

**Citi Mortgage**

**Cornerstone/Dept Of E**

**Credit Coll**

**Credit Service Co**

**Enhanced Recovery Co L**

**Esb/Harley Davidson Cr**

**Internal Revenue Services**

**Kohls/Capone**

**Rentdebt Automated Col**

**Santander Consumer Usa**

**Stellar Recovery Inc**

**Toll Taxes**

**United Revenue Corp**

**/s/ Seth Crosland**

**Seth Crosland**

**The McCann Law Group**

**12225 Greenville Avenue Ste. 700**

**Dallas, TX 75243**

**214-810-5529**

**seth@wellscrosland.com**



Label Matrix for local noticing  
0540-4  
Case 13-41410  
Eastern District of Texas  
Sherman  
Wed Jul 10 16:19:04 CDT 2013

Asset Acceptance LLC  
P.O. Box 2036  
Warren Mi 48090-2036

CarMax Auto Finance  
2040 Thalbro St  
Richmond, VA 23230-3200

Janna L. Countryman  
P. O. Box 941166  
Plano, TX 75094-1166

Credit Service Co  
Post Office Box 1120  
Colorado Springs, CO 80901-1120

Larry Dickinson  
1311 Oakcrest Drive  
Aubrey, TX 76227-8507

Harley-Davidson Credit Corp.  
9441 LBJ Freeway, Suite 350  
Dallas, TX 75243-4652

Recovery Management Systems Corporation  
25 S.E. 2nd Avenue, Suite 1120  
Miami, FL 33131-1605

Santander Consumer USA Inc.  
8585 N Stemmons Fwy, Ste 1100-N  
Dallas TX 75247-3822

Stellar Recovery Inc  
4500 Salisbury Rd Ste 10  
Jacksonville, FL 32216-0959

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% AT&T Services, Inc  
Karen Cavagnaro, Paralegal  
One AT&T Way, Room 3A231  
Bedminster, NJ 07921-2693

Buckley Madole, P.C.  
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Enhanced Recovery Co L  
8014 Bayberry Rd  
Jacksonville, FL 32256-7412

Kohls/Capone  
N56 W 17000 Ridgewood Dr  
Menomonee Falls, WI 53051-7096

Rentdebt Automated Col  
2285 Murfreesboro Rd Ste  
Nashville, TN 37217-3348

Santander Consumer Usa  
Post Office Box 961245  
Ft Worth, TX 76161-0244

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Department of Justice  
Main Justice Building  
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Texas Health Resources  
as assignee of TEXAS HEALTH PRESBYTERIAN  
PO Box 248838  
Oklahoma City, OK 73124-8838

CarMax Auto Finance  
225 Chastain Meadows Court  
Kennesaw, GA 30144-5942

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Suite 1120  
Miami, FL 33131-1605

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Syosset, NY 11791-4437

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% AT&T Services, Inc  
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US Trustee  
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Suite 300  
Tyler, TX 75702-7231

United Revenue Corp  
204 Billings St Ste 120  
Arlington, TX 76010-2495

End Document  
Document Page 10 of 10  
Mailable recipients 30  
Bypassed recipients 0  
Total 30